

# EXHIBIT C



October 2, 2022

**VIA E-MAIL ONLY TO** [valpec@kirtlandpackard.com](mailto:valpec@kirtlandpackard.com)

Ruben Honik  
Honik Law  
1021 Kitchens Lane  
Philadelphia, PA, 19119  
[ruben@honiklaw.com](mailto:ruben@honiklaw.com)

Adam Slater  
Mazie Slater Katz & Freeman, LLC  
103 Eisenhower Parkway  
Suite 207  
Roseland, NJ 07068  
[aslater@mazieslater.com](mailto:aslater@mazieslater.com)

Andrés Rivero  
RIVERO MESTRE LLP  
2525 Ponce de Leon Blvd., Suite 1000  
Miami, FL 33134  
Tel: (305) 445-2500  
[ARivero@riveromestre.com](mailto:ARivero@riveromestre.com)

Daniel Nigh  
Levin Papantonio Thomas Mitchell Rafferty  
& Proctor, P.A.  
316 S. Baylen  
Suite 600  
Pensacola, FL 32502  
[dnigh@levinlaw.com](mailto:dnigh@levinlaw.com)

Conlee Whiteley  
David J. Stanoch  
Kanner & Whiteley, LLC  
701 Camp Street  
New Orleans, LA 70130  
[c.whiteley@kanner-law.com](mailto:c.whiteley@kanner-law.com)  
[d.stanoch@kanner-law.com](mailto:d.stanoch@kanner-law.com)

**Re: *In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation,*  
U.S. District Court for the District of New Jersey; Case No. 1:19-md-02875-  
RBK-TIV**

Dear Counsel:

We write to follow up on the parties' meet-and-confer conference on September 30, 2022, with respect to the initial third-party payor ("TPP") trial ("TPP Trial"). During our discussion, the PEC indicated that they intend to select both Emblem and Summacare (the "TPP Plaintiffs") as the assignors whose claims MSPRC will try at the TPP Trial. Plaintiffs further expressed their view that a trial of Emblem's and Summacare's claims would involve applying the separate laws of each state where the plan beneficiaries made their valsartan purchases, which would be 16 states for Emblem and 6 states for Summacare.

After reviewing applicable law, Defendants respectfully disagree with the PEC's position that the law of the state of each plan beneficiary's purchase governs the TPP Plaintiffs' claims. Rather, although each claim by each assignor must be analyzed separately under governing conflicts of law principles, and the analyses are multi-factorial and complex, Defendants believe most if not all of the TPP Plaintiffs' claims are ultimately likely to be governed by the law of each

GREENBERG TRAURIG, LLP ■ ATTORNEYS AT LAW ■ WWW.GTLAW.COM

Ruben Honik  
Adam M. Slater  
Daniel Nigh  
Conlee Whiteley  
David Stanoch  
Andrés Rivero  
October 2, 2022  
Page 2

TPP Plaintiff's home state and the state where each TPP Plaintiff paid for and/or reimbursed each valsartan purchase, *i.e.*, New York for Emblem and Ohio for Summacare.

Given the importance of this issue, however, Defendants agree it would be helpful to obtain early guidance from the Court regarding the law governing the TPP Plaintiffs' claims and the law to be applied at the TPP Trial. Accordingly, Defendants propose the parties jointly request a briefing schedule from the Court to determine: (1) which state's or states' laws govern each of the TPP Plaintiffs' substantive claims; and (2) which of these state law claims will be heard and decided at the first TPP Trial. Defendants propose the parties file simultaneous briefs on these issues by **October 27, 2022**.

Resolution of the conflicts of law issues should not affect the other dates in CMO 29, as the parties can proceed with discovery while the Court considers the matter, and we would presumably have the Court's determination sufficiently prior to the dispositive motions deadlines to proceed on the current schedule.

Please let us know if this proposal is agreeable to Plaintiffs. We can also discuss this further on our scheduled meet-and-confer call on Monday, October 3.

Very truly yours,



Gregory E. Ostfeld

cc: PEC ([valpec@kirtlandpackard.com](mailto:valpec@kirtlandpackard.com))  
DEC ([decvalsartan@btlaw.com](mailto:decvalsartan@btlaw.com))  
Adam Slater, Esq. (via email, for distribution to Plaintiffs' Counsel)  
Jessica D. Miller, Esq. (via email, for distribution to Defendants' Counsel)